761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 28, 2005

FILE NO.: #2116404

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:

DEPUTY CONLEY #[redacted] CENTURY STATION

DEPUTY LOPATA #[redacted] CENTURY STATION

DEPUTY [redacted] #[redacted] CENTURY STATION

DEPUTY MISSEL #[redacted] CENTURY STATION

On April 24, 2004, while hearing gunfire in the area, Deputies Missel and Conley were confronted by three suspects, one armed with a handgun. After an initial shooting with the armed male, Deputies Missel, Conley, Lopata and [redacted] were confronted by another armed suspect in a moving vehicle. The suspect fired his weapon at the deputies and attempted to run them over with his vehicle. For further details refer to attached report.

On July 12, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Missel #[redacted], Conley #[redacted] Lopata #[redacted] and [redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Johnny G. Jurado, Commander

Table of Contents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 5/01/05	Bureau/Station/Facility: FOR II/Century Station	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 004-06861-2199-055	Date: April 24, 2004 Time: 0030 hrs.
City or Station: Los Angeles	Nature of Incident: Deputies Missel and Conley were confronted by three suspects, one armed with a handgun. After an initial shooting causing the suspects to flee, Deputies Missel, Conley, Lopata and [redacted] were confronted by another armed suspect in a moving vehicle. The suspect fired his weapon at the deputies and attempted to run them over with the vehicle.
Location: Anzac Avenue/110th Street	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ____

Lighting (*circle only one*): **Darkness** (circled), Daylight, Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 3 to 15 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, **Moving Vehicle** (circled), Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, **Two Person Unit** (circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
28	4

Aero Unit? ☐ Canine Unit? ☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I.
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph
Last Name [redacted]		First Name [redacted]		M.I.
Street Address	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph
Last Name [redacted]		First Name [redacted]		M.I.
Street Address	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
				On Duty, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only
SH # 2116404

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 004-06861-2199-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
April 24, 2004		5/2/05	

Employee #	Last Name	First Name	M.I
[redacted]	Morris	William	B
[redacted]	Key	Gregory	L
[redacted]	Jensen	Curtis	A

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E1	S1	FH	BR	9	Y	Y	GS	LE
E2	S1	FH	BR	9	Y	Y		
E3	S1	FH	HK	45	Y	Y		
E4	S1	FH	BR	9	Y	Y		
S1	E1	FH		40			NN	
S1	E2	FH		40			NN	
S1	E3	FH		40			NN	
S1	E4	FH		40			NN	
S1	E2	OV					NN	
S1	E3	OV					NN	
S1	E4	OV					AB	KN
S1	E4	OV					LC	HD

Officer Involved Shooting
Involved Employee Information

URN: 004-06861-2199-055

Involved Employee

E 1

Employee #: [redacted]	Last Name: Missel	First Name: Dennis	M.I.:
Sex: M Race: W	Rank: Deputy Gen.	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 214 H
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6'02"	Weight: 225	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #:	Last Name: [redacted]	First Name:	M.I.:
Field Training Officer Emp #:	Last Name: [redacted]	First Name:	M.I.:

E 2

Employee #: [redacted]	Last Name: Conley	First Name: Richard	M.I.:
Sex: M Race: W	Rank: Deputy Gen.	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 214 H
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 5' 9"	Weight: 210	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.:

E 3

Employee #: [redacted]	Last Name: Lopata	First Name: John	M.I.:
Sex: M Race: W	Rank: Deputy Gen.	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 213F
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 5'10"	Weight: 220	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #:	Last Name: [redacted]	First Name:	M.I.:
Field Training Officer Emp #:	Last Name: [redacted]	First Name:	M.I.:

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 004-06861-2199-055

Involved Employee

E 4

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

Sex: M | Race: H | Rank | Unit Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

ShiftTime (*circle only one*): [redacted] PM Day | ShiftType (*circle only one*): [redacted] Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled) | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 004-06861-2199-055

Suspect Information

S 1

Last Name: Thomas	First Name: Ronald	M.I.
AKA Last Name: "Cheddar" - PJ Watts Crip	First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City: [redacted] State & Zip Code: [redacted]

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: 23 D.O.B. 12/15/81	Height: 6'00" Weight: 170 lbs	FBI #	CII # [redacted]
Booking # 8099960	Primary Charge: 664/187 PC		Secondary Charge: 245 PC
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Acura		Model: Legend	Year: 1988

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]					
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]					
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]					
[redacted]	[redacted]					
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]					
[redacted]	[redacted]					
[redacted]	[redacted]					
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]					
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		

SUPPLEMENTAL EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Employee Witnesses

Last Name [redacted] First Name [redacted] M.I.
Street Address Zip Code Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address Zip Code Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address Zip Code Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address Zip Code Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address Zip Code Work Ph Home Ph

Last Name [redacted] First Name [redacted] M.I.
Street Address [redacted] Zip Code [redacted] Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

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Street Address Zip Code Work Ph Home Ph

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Street Address Zip Code Work Ph Home Ph

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Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

October 29, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Peavy:

Re: J.S.I.D. File No: 04-0369
L.A.S.D. File No: 004-06861-2199-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 24, 2004, non-fatal shooting of Ronald Raymond Thomas by Los Angeles County Sheriff's Deputies Richard Conley, John Lopata, and [redacted] We have concluded that the deputies acted lawfully in self-defense.

The following analysis is based on reports, and materials contained on compact discs, including photographs, prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, and submitted to this office on August 4, 2004 by Sergeant Mitch Loman and Investigator Tamar Abraham. The District Attorney's Command Post was notified of the shooting on Saturday, April 24, at 1:00 a.m. Deputy District Attorney Gilbert Wright and Senior Investigator [redacted] responded to the scene of the shooting and were given a briefing and a 'walk-through' of the scene.

FACTUAL ANALYSIS

On April 24, 2004 at approximately 12:30 a.m., uniformed Los Angeles County Sheriff's Deputies Dennis Missel and Richard Conley were on patrol and driving a marked patrol car on 110th Street at Anzac Avenue in Los Angeles. This area is known for an ongoing feud between the PJ Watts Crip gang and other factions of the Crips gang. A white compact vehicle was parked at the curb on 110th Street. The vehicle contained two occupants who were leaning back or slumped down in their seats. Unclear as to whether they were sleeping in the car or trying to hide, the deputies decided to turn around and make contact with them.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

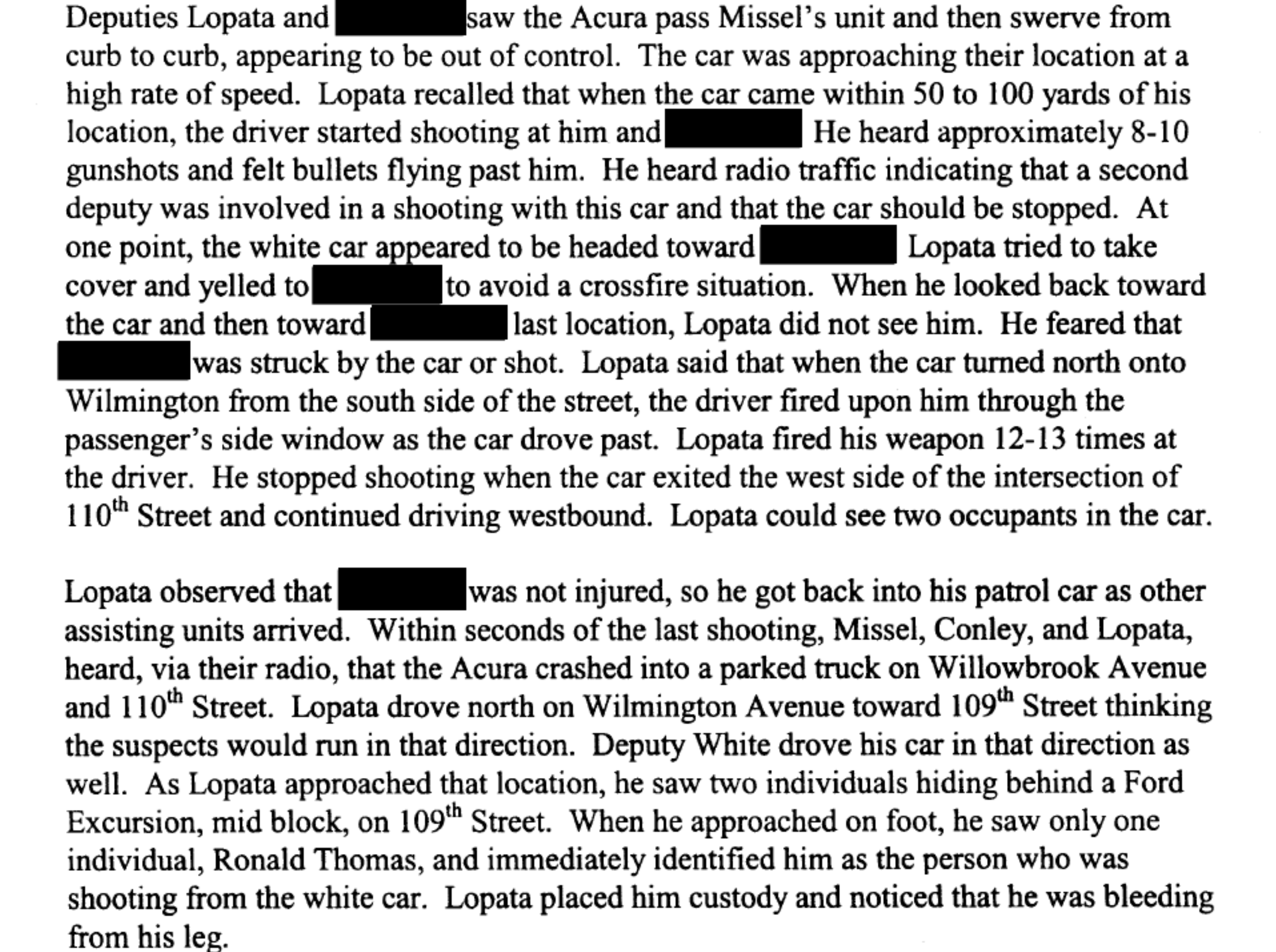
When the deputies entered the intersection to turn around, they heard numerous gunshots. Believing they were being fired upon and fearing for their safety, Deputy Missel sped east of the intersection, approximately 20 feet east of Anzac Avenue. He parked the vehicle and both deputies exited the car. They took cover thinking that their vehicle was being fired upon. They looked toward Anzac Avenue and observed three males crouched in a firing position behind two parked cars. Deputy Missel believed that the suspects were fixated on the patrol car. Missel observed the three suspects walking in a southeasterly direction toward the deputies' location. One suspect, wearing black, bulky clothes with a hood covering his head, raised his hands in such a way that Missel and Conley thought he had a gun. Missel believed that he was about to be fired upon. As he made this observation, Conley heard another volley of gunfire and thought that he was being fired upon. Missel fired three to five rounds at this suspect and Conley fired three to four rounds. Conley heard another round of gunfire at this point. Missel said that all three suspects immediately ran west on 110th Street toward Wilmington Avenue and out of view when he (Missel) fired his weapon. Both deputies heard more gunshots coming from Anzac Avenue as the suspects ran, just north of their location.

Conley requested assistance from radio dispatch and both he and Missel observed other patrol units responding moments afterwards. Deputies John Lopata and [redacted] responded and stopped their vehicle in the middle of the intersection of Wilmington Avenue and 110th Street in an effort to set up "containment." Both deputies exited their vehicle. Lopata heard several, almost continuous, volleys of gunfire in the area. As Missel walked toward Grape Street, he saw a white Acura Legend traveling at a high rate of speed, south on Grape Street towards 110th street.[1] Conley believed that this was a different car than the one they saw previously. When the car turned onto 110th Street, it briefly stopped. Missel attempted to tell the driver to back up, but the driver quickly accelerated and drove directly toward Missel. The driver was later identified as Ronald Raymond Thomas, a PJ Watts Crip gang member. Missel jumped out of the way. As the vehicle passed him, he noticed Thomas, with both hands on the steering wheel, holding a gun in his right hand. He didn't notice anyone else in the car. Missel did not fire on the car because Conley was in his line of fire. He yelled his observations to Conley.

Missel noticed that the vehicle veered toward Conley causing Conley to jump out of the way. Conley said that he made eye contact with the driver and believed the driver headed directly toward him. Conley, now standing on the curb and closer to the passenger side of the Acura, fired two rounds at the vehicle as it drove past him. Missel was on the passenger side of this vehicle as well, but further east of Conley. Both deputies observed the other avoid being struck by this car. Conley did not see a gun in the driver's hand, and described the driver as slouching down. The vehicle continued past Missel's

[1] It was later determined that the Acura had been stolen the previous day.

patrol car and headed toward Wilmington Avenue where Deputy Lopata's patrol car was positioned in the middle of the intersection. Deputy Missel heard several gunshots and saw muzzle flashes emanating from the Acura. When it got to the intersection, near Lopata's patrol car, several more gunshots were heard. Conley could not tell who was shooting because Lopata's patrol car's headlights were shining in his face.



Deputies Lopata and [redacted] saw the Acura pass Missel's unit and then swerve from curb to curb, appearing to be out of control. The car was approaching their location at a high rate of speed. Lopata recalled that when the car came within 50 to 100 yards of his location, the driver started shooting at him and [redacted] He heard approximately 8-10 gunshots and felt bullets flying past him. He heard radio traffic indicating that a second deputy was involved in a shooting with this car and that the car should be stopped. At one point, the white car appeared to be headed toward [redacted] Lopata tried to take cover and yelled to [redacted] to avoid a crossfire situation. When he looked back toward the car and then toward [redacted] last location, Lopata did not see him. He feared that [redacted] was struck by the car or shot. Lopata said that when the car turned north onto Wilmington from the south side of the street, the driver fired upon him through the passenger's side window as the car drove past. Lopata fired his weapon 12-13 times at the driver. He stopped shooting when the car exited the west side of the intersection of 110th Street and continued driving westbound. Lopata could see two occupants in the car.

Lopata observed that [redacted] was not injured, so he got back into his patrol car as other assisting units arrived. Within seconds of the last shooting, Missel, Conley, and Lopata, heard, via their radio, that the Acura crashed into a parked truck on Willowbrook Avenue and 110th Street. Lopata drove north on Wilmington Avenue toward 109th Street thinking the suspects would run in that direction. Deputy White drove his car in that direction as well. As Lopata approached that location, he saw two individuals hiding behind a Ford Excursion, mid block, on 109th Street. When he approached on foot, he saw only one individual, Ronald Thomas, and immediately identified him as the person who was shooting from the white car. Lopata placed him custody and noticed that he was bleeding from his leg.

Deputy [redacted] indicated that he jumped out of the way of the white car because he thought it was going to strike him. He fell to the ground ripping his pant legs, sustaining a cut to his right little finger. His knees were sore as well. He got up and took cover behind a "metal style fence." Gunfire was emanating from the white car. He could see the driver and noticed what appeared to be dark clothing in the passenger seat. He was unsure if there was a passenger in the car.

As the vehicle passed him, [redacted] saw one of the driver's hands on the steering wheel, while the other hand was raised toward his partner's location. Although he could not see the other hand, he believed that the driver was shooting at Lopata. [redacted] fired what he believed to be two rounds at the driver. He noted the direction of the Acura as it drove away.

After waiting a short amount of time for assisting units to arrive, [redacted] approached the Acura at the location of the collision with the truck, but found the car empty. Via his hand held radio, he notified other deputies of his observations. Eventually he learned that a suspect was arrested. When he observed that individual (Thomas), he immediately identified him as the driver of the Acura.

Missel's gun was examined after this shooting and it was determined that he fired three rounds at the three initial suspects. It was determined that Conley fired eight rounds during this incident. Because Deputy Lopata staggered the bullets when he loaded his magazine, firearms examiners theorized that he fired between 12-13 rounds.[2] Firearms examiners determined that [redacted] fired three rounds. All of the deputies' weapons fired 9 millimeter or .45 caliber rounds.

Investigators discovered an expended .40 caliber shell casing on the driver's seat of the Acura and two expended .40 caliber casings underneath the driver's seat. An expended .40 caliber shell casing was found on the ground outside the driver's door. They noticed that the back window was shattered and there were multiple bullet holes in the passenger door and trunk. The tires on the passenger side were flat. The front window had a bullet hole as well, but investigators believed that either occupant of the car caused that bullet hole by firing their gun from within the car. The suspect's gun and the other occupants of the Acura were never found. An expended bullet was found on Anzac Avenue. Investigators also discovered several bullet strikes in the stucco of the front wall, and an expended bullet on the front porch of [redacted] which is opposite to the entry of Anzac Avenue. Shattered glass fragments consistent with tempered automotive windows were strewn south and west from the northeast corner of Anzac Avenue and East 110th Street.

The Sheriff's Department employed their canine unit to this incident and determined that a direct scent from the driver's seat of the Acura was trailed to the location where Thomas was arrested. Also a scent pad taken from Thomas' clothes was introduced to one of the canine dogs who in turn "alerted" on the driver's seat of the white compact vehicle, which indicated a positive result. On April 27, 2004 the District Attorney's Office, Crimes Against Peace Officers Unit, filed five counts against Ronald Thomas in case number TA074448. Among the counts was attempted murder of a peace officer.

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[2] The term "staggered" means placing the same caliber bullet in the magazine, yet the bullets would be from different manufacturers.

Ronald Thomas received a gunshot wound to his left and right legs and a grazing wound to the lower inner side of his left leg, approximately six inches above the knee. There was another injury to his hand. The bullet was not removed from the leg and was not considered life threatening.

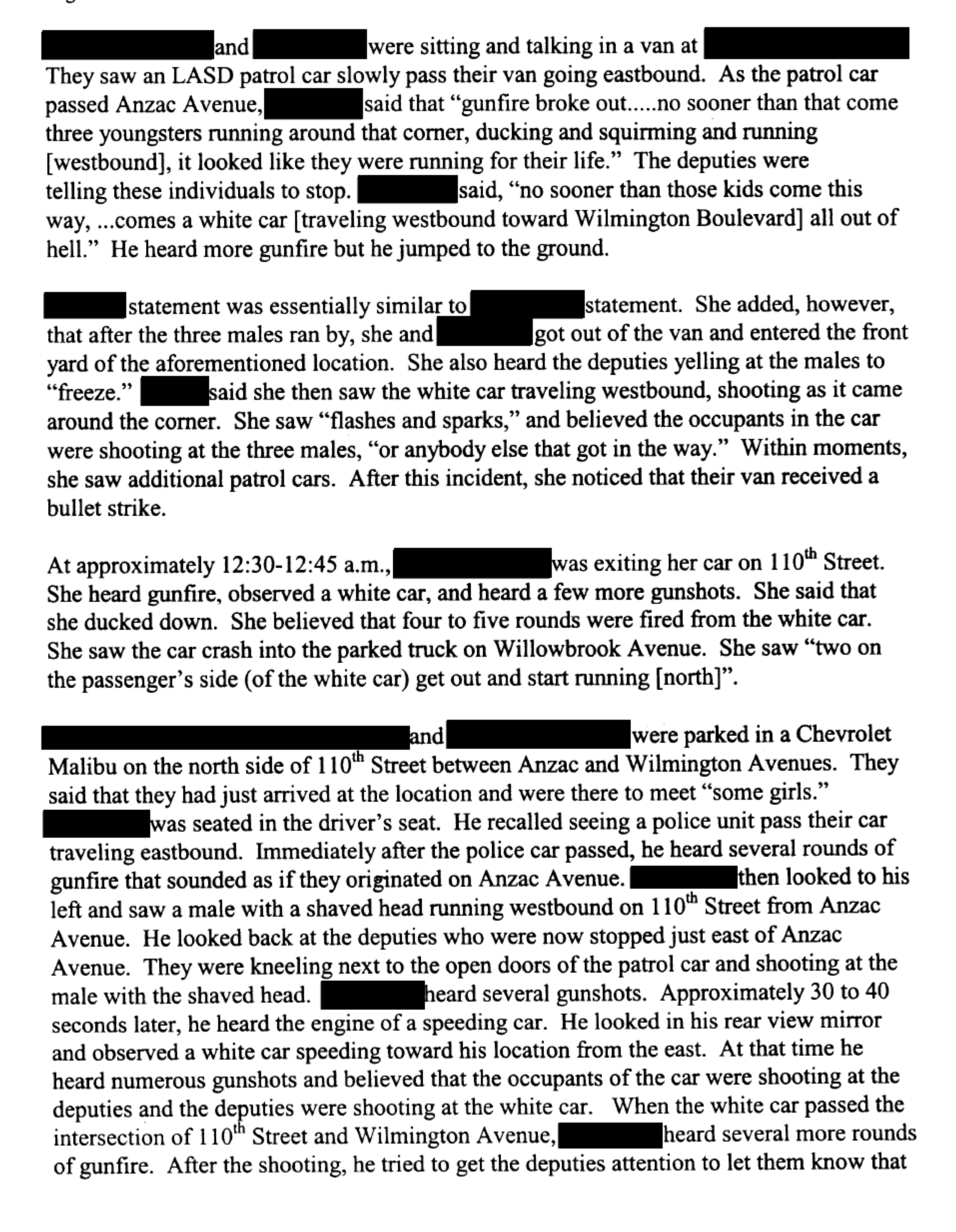
Investigators went to Martin Luther King Jr. Hospital to speak to Thomas and ask him if he knew who shot him. Thomas wondered aloud if acknowledging he was shot by the deputies would be considered an incriminating statement. He said that he did not know who shot him and that he did not want to say anything that would incriminate him. He denied being in a car prior to being shot and said that he was innocent of any crime. Thomas went on to indicate that he was at his [redacted] house in the Imperial Courts apartment complex, but left the apartment when they had an argument. His intention was to go to his [redacted] house. While walking on Wilmington Avenue from 114th Street he heard gunfire. He looked down the street and observed Sheriff's deputies. He began running. The next thing he remembered was holding onto a gate, and that he had a gunshot wound to his leg. He also recalled seeing a deputy shining a flashlight and being taken into custody.

[redacted] is the registered owner of the white Acura. She reported it stolen on April 23, 2004 to the Hawthorne Police Department. When Sheriff's investigators spoke to her regarding the vehicle being involved in the shooting incident, they discovered that she had given inconsistent statements to Hawthorne Police personnel regarding when she noticed the vehicle stolen.

Investigators discovered that [redacted] a PJ Watts Crip gang member and friend of Ronald Thomas, was arrested by the Los Angeles Police Department (LAPD) on unrelated narcotics charges. An LAPD investigator, who had contact with [redacted] previously, told sheriff's investigators that he had observed [redacted] drive the white Acura on prior occasions. Sheriff's investigators spoke with [redacted] while he was in custody on April 29, 2004. He indicated that he did not know when the vehicle was stolen. He indicated that Thomas was never given permission to drive the car, and Thomas had never been in the car. He opined that someone was trying to set him up for the shooting on 110th Street.

Finger print examiners recovered nine latent prints from the Acura Legend. Two latent prints taken from the outside passenger's side door were identified as belonging to Thomas.

Investigators spoke to several individuals who saw some or major parts of the shooting.

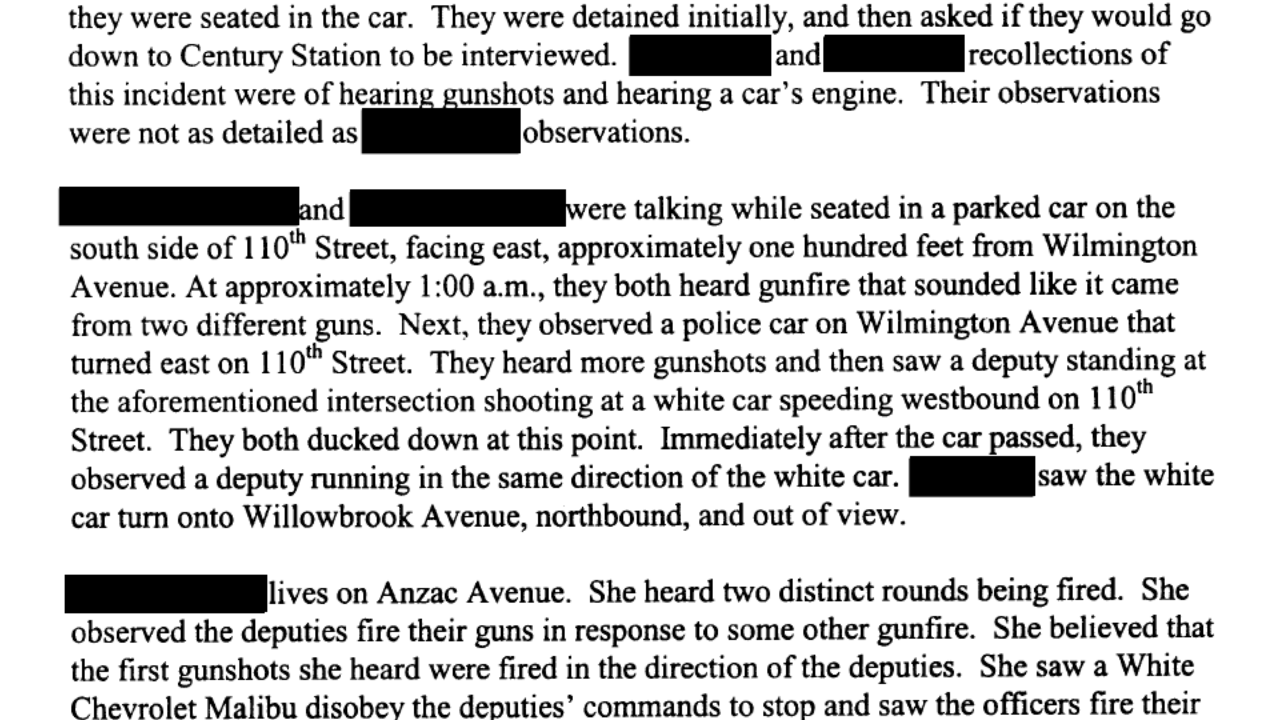


[redacted] and [redacted] were sitting and talking in a van at [redacted] They saw an LASD patrol car slowly pass their van going eastbound. As the patrol car passed Anzac Avenue, [redacted] said that "gunfire broke out.....no sooner than that come three youngsters running around that corner, ducking and squirming and running [westbound], it looked like they were running for their life." The deputies were telling these individuals to stop. [redacted] said, "no sooner than those kids come this way, ...comes a white car [traveling westbound toward Wilmington Boulevard] all out of hell." He heard more gunfire but he jumped to the ground.

[redacted] statement was essentially similar to [redacted] statement. She added, however, that after the three males ran by, she and [redacted] got out of the van and entered the front yard of the aforementioned location. She also heard the deputies yelling at the males to "freeze." [redacted] said she then saw the white car traveling westbound, shooting as it came around the corner. She saw "flashes and sparks," and believed the occupants in the car were shooting at the three males, "or anybody else that got in the way." Within moments, she saw additional patrol cars. After this incident, she noticed that their van received a bullet strike.

At approximately 12:30-12:45 a.m., [redacted] was exiting her car on 110th Street. She heard gunfire, observed a white car, and heard a few more gunshots. She said that she ducked down. She believed that four to five rounds were fired from the white car. She saw the car crash into the parked truck on Willowbrook Avenue. She saw "two on the passenger's side (of the white car) get out and start running [north]".

[redacted] and [redacted] were parked in a Chevrolet Malibu on the north side of 110th Street between Anzac and Wilmington Avenues. They said that they had just arrived at the location and were there to meet "some girls." [redacted] was seated in the driver's seat. He recalled seeing a police unit pass their car traveling eastbound. Immediately after the police car passed, he heard several rounds of gunfire that sounded as if they originated on Anzac Avenue. [redacted] then looked to his left and saw a male with a shaved head running westbound on 110th Street from Anzac Avenue. He looked back at the deputies who were now stopped just east of Anzac Avenue. They were kneeling next to the open doors of the patrol car and shooting at the male with the shaved head. [redacted] heard several gunshots. Approximately 30 to 40 seconds later, he heard the engine of a speeding car. He looked in his rear view mirror and observed a white car speeding toward his location from the east. At that time he heard numerous gunshots and believed that the occupants of the car were shooting at the deputies and the deputies were shooting at the white car. When the white car passed the intersection of 110th Street and Wilmington Avenue, [redacted] heard several more rounds of gunfire. After the shooting, he tried to get the deputies attention to let them know that



they were seated in the car. They were detained initially, and then asked if they would go down to Century Station to be interviewed. [redacted] and [redacted] recollections of this incident were of hearing gunshots and hearing a car's engine. Their observations were not as detailed as [redacted] observations.

[redacted] and [redacted] were talking while seated in a parked car on the south side of 110th Street, facing east, approximately one hundred feet from Wilmington Avenue. At approximately 1:00 a.m., they both heard gunfire that sounded like it came from two different guns. Next, they observed a police car on Wilmington Avenue that turned east on 110th Street. They heard more gunshots and then saw a deputy standing at the aforementioned intersection shooting at a white car speeding westbound on 110th Street. They both ducked down at this point. Immediately after the car passed, they observed a deputy running in the same direction of the white car. [redacted] saw the white car turn onto Willowbrook Avenue, northbound, and out of view.

[redacted] lives on Anzac Avenue. She heard two distinct rounds being fired. She observed the deputies fire their guns in response to some other gunfire. She believed that the first gunshots she heard were fired in the direction of the deputies. She saw a White Chevrolet Malibu disobey the deputies' commands to stop and saw the officers fire their weapons at the vehicle.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense or the defense of another actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 C.A.3d 731.

In protecting himself or another, a person may use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions--Criminal (CALJIC) 5.30 and 5.32.

If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. Actual danger is not necessary to justify the use of deadly force in self-defense. The right of self-defense is the same whether the danger is real or merely apparent. *People v. Toledo* (1948) 85 C.A.2d 577.

"The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments-- in circumstances that are tense, uncertain and rapidly evolving--about the amount of force that is necessary in a particular situation." _Graham v. Connor_ (1989) 490 U.S. 386, 396-397, 104 L.Ed.2d 443, 109 S.Ct. 1865.

Based on the number of rounds fired during this incident, and the fact that Thomas' doctors did not remove the bullet in his leg, it cannot be determined who caused Thomas' injuries. However, if Deputies Conley, Lopata, or [redacted] caused Thomas' gunshot wounds, the available evidence submitted to this office clearly shows that their uses of force were lawful.

Deputies Missel, Conley, Lopata and [redacted] all indicated that at one point the Acura drove toward them causing them to jump out of the way. The driver drove toward the deputies after being told to stop the car. The deputies' perceptions that the driver was driving toward them were reasonable based on the statements of all the witnesses. Those reasonable perceptions alone would justify the use of deadly force in defense of their lives. Added to this reckless disregard for human safety was Thomas firing his weapon at the various deputies, posing a further lethal threat to their lives. Witnesses' statements provide overwhelming corroboration of the deputies' observations and ample evidence that gunfire emanated from the white Acura when approaching the deputies' location.

Hence, it is the conclusion of this office that Deputies Conley, Lopata, and [redacted] acted reasonably and lawfully in self-defense in using deadly force against Ronald Ray Thomas. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]

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Deputy District Attorney
(213) 974-4634

c: Deputy Richard Conley, #[redacted]
Deputy John Lopata, #[redacted]
Deputy [redacted]